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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michael Wayne Brown

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AMY PATTILLO
P.O. BOX 161327
AUSTIN, TX 78746

EXAMINER

UBILES, MARIE C

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/006,004	Applicant(s) BROWN ET AL.	
	Examiner Marie C. Ubiles	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/11/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on September 9, 2004 has been entered. Claims 1-19 have been amended. Claims 20-21 have been cancelled. Claims 22-23 have been added. Claims 1-19 and 22-23 are still pending in this application, with claims 1, 8 and 15 being independent.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 4-8, 11-15 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjurstrom et al. (US 6,594,348) in view of Porter et al. (US 5,825,856).

As for claim 1, Bjurstrom et al. teaches a system and method for voice browsing, where a particular caller [is prompt] with a menu of browsable help information via a voice browser (as read on "*to have a menu read to the user and to allow the user to select a certain item from the menu*"), wherein said menu of browsable help information is a first web script translated by said voice browser into audio output (See Col. 2, lines 1-10 and Col. 5, lines 54-58); and responsive to a selection from among said menu of browsable help information (as read on the functions performed by the DTFM tones sent from user's telephone)(See, for example, Col. 9, lines 20-30), translating a second web script for said selection from among said menu of browsable help information via

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said voice browser into audio output to said particular caller (See, for example, Col. 6, lines 41-51 and Col. 8, lines 30-33).

It can be seen that Bjurstrom et al. does not explicitly teach "...managing voice browsing while a call is on hold comprising receiving a call from a particular caller at an on hold system". However, the use of an IVR (See Col. 2, lines 1-10) suggests implementation of such method and system in an "on hold system". Bjurstrom et al. further suggests implementation of their system in environments in which customer service is to be provided (See Col. 1, lines 32-38).

Porter et al. teaches a system for interactive voice response in which a calling customer is presented with a help menu and placed "on hold" at different stages of his or her call (See, for example, Fig. 2A, 202). Porter et al. system includes an ACD and an IVR (or VPS 174)(See, Col. 4, lines 7-10).

IVRs are common elements of call centers and are used in combination of other elements, like ACDs, to perform Applicant's claimed limitation of "receiving a call from a particular caller at an on hold system". Thus, it would have been obvious to one of ordinary skill in the art to modify Bjurstrom's et al. system as per the teachings of Porter et al. and in this manner provide a system capable of providing information and services to a caller.

Claims 7-8 and 14-15 are rejected for the same reasons as claim 1.

As for claims 4, 11 and 17, the claimed limitations read on teachings provided by Bjurstrom et al. (US 6,594,348) in Col. 5, lines 41-46.

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As for claims 5-6, 12-13 and 18-19, Bjurstrom et al. (US 6,594,348) teaches that the "voice browser" of their system is arranged to access any other mark-up language files besides HTML (See Col. 3, lines 62-67).

3. Claims 2, 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjurstrom et al. (US 6,594,348) in view of Porter et al. (US 5,825,856), as applied to claims 2, 8 and 15 above, and further in view of Walker et al. (US 5,978, 467).

As for claim 2, it can be seen that the combination of Bjurstrom et al. (US 6,594,348) in view of Porter et al. (US 5,825,856) lacks the step of placing the call in a particular hold queue from among a plurality of hold queues, wherein said particular hold queue is related to said help subject.

Walker et al. ('467) teaches "Initially, a caller places a call to a customer service provider (box 100). The incoming caller's telephone number is detected by an automatic number identification (ANI) facility. In response to voice prompts from IVRU 14, and in conjunction with control commands from ACD 12, PBX 10 then inputs information regarding the call to ACD 12 (box 102). One such piece of information may be the subject matter of the call. For instance, IVRU 14 may provide a series of subjects to the caller, and ask the caller to respond by depressing a specified key to identify a particular subject (e.g. "press 1 for printer problems, press 2 for modem problems"). Once the call information has been entered by ACD 12 into call database 36, the system determines whether an appropriate agent is available (decision box 104). If so, the call is routed to the agent's phone and the information associated with

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the call is transmitted to the agent's terminal (box 106). If no agent is available, the call is placed in the holding queue (box 108) [...] If the caller declines to hear more information, the call remains on hold in the holding queue (box 112) to await availability of an appropriate agent (decision box 118)." (See *Detailed Description*, Col. 6, line 48-Col 6, line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walker et al. ('240) system by adding the step of once the call information based on the caller IVRU responses has been entered by ACD, the system determines whether an appropriate agent is available and placing the caller into an appropriate queue until an agent becomes available (i.e. placing said call in a particular hold queue among a plurality of hold queues, where said particular hold queue is related to said help subject); therefore the caller will experiment an increased level of customer satisfaction by having a skilled attendant answering his or her call.

Regarding the claimed limitation "wherein said menu of browsable help information is specified for said help subject", Examiner believes is non-critical as the functions are those performed by a sub-menu and can be provided by duplicating the system and method taught by Walker et al.

Claims 9 and 16 are rejected for the same reasons as claim 2.

1. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjurstrom et al. (US 6,594,348) in view of Porter et al. (US 5,825,856), as applied to claims 2, 8 and 15 above and further in view of Rupe et al (US 2003/0031309).

As for claim 3, Walker et al. discloses the system as claimed except for the steps of prompting said particular caller when said call is next in line to be answered by a representative; responsive to said particular caller indicating a readiness to move to said representative, transferring said call to a PBX system for distribution to said representative; and responsive to said particular caller indicating a readiness to continue accessing one from among said first web script and said second web script via voice browser, removing said call from a hold queue while enabling said particular caller to continue accessing one from among said first web script and said second web script via said voice browser.

Rupe et al. teaches "If the caller has chosen to be placed in a queue, a priority is generated and assigned to the caller. The call is placed in the queue until a detected event occurs. Once a detected event occurs depending on the priority, the call is routed to the selected destination. While in a queue, the caller may be simultaneously provided access to various automated interactive functions through which additional information may be accessed and retrieved. The caller may be further provided the option of being interrupted while employing the interactive functions such that their call may be routed to the selected destination upon occurrence of the detected event. Another option may be to complete all interactive functions before any routing of the call may occur. [...] When the caller chooses to be interrupted when a call attendant becomes available and once the interactive application is initiated, the VRU will then continually monitor the availability status of a call attendant, and once one becomes available, interrupt the interactive session and provide the option of being transferred to

the available attendant or to continue to browse. If the election is made to speak with the available attendant, the connection is then established. " (See *Detailed Description*, P. 0013, lines 1-14 and P.0030, lines 1-9).

Rupe et al. further teaches " While in the VRU, a caller has the option to initiate various interactive functions which are hosted on the VRU. This may include accessing various audio menus which a caller may access information while in the queue."(See *Detailed Description*, P. 0024, lines 9-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Walker's et al. system by adding the steps of caller may be provided the option of being interrupted while employing the interactive functions such that their call may be routed to the selected destination upon occurrence of the detected event (i.e. prompting said when said call is next in line to be answered by a representative), when the caller chooses to be interrupted, the VRU continually monitor the availability status of a call attendant, and once one becomes available, interrupt the interactive session and provide the option of being transferred to the available attendant (i.e. responsive to said particular caller indicating a readiness to move to said representative, transferring said call to a PBX system for distribution to said representative), and to offer the caller the option of continuing browsing –where implicitly, the user would be momentarily "removed" from that particular queue, given that user is giving up his or her turn when he or she continues to browse and the system will then have to wait for another attendant to become available- (i.e. responsive to said particular caller indicating a readiness to continue accesing one from among said first

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web script and said second web script via voice browser, removing said call from a hold queue while enabling said particular caller to continue accessing one from among said first web script and said second web script via said voice browser); and thus in this manner the caller may be provided addition information or interaction while waiting for an appropriate attendant to become available.

Claim 10 is rejected for the same reasons as claim 3.

2. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjurstrom et al. (US 6,594,348) in view of Porter et al. (US 5,825,856), as applied to claims 2, 8 and 15 above, and further in view of Szlam et al. (US 5,559,791).

The Examiner takes Official Notice that “detecting a profile for [said] a caller, wherein [said] profile comprises ... a language preference; and adjusting [audio] output according to at least [one] attribute of [said] profile” is a feature well known in the art of call centers.

See, for example, Col. 6, lines 58-65 of Szlam et al. (US 5,559,791).

Response to Arguments

4. Applicant's arguments with respect to claims 1-19 and 22-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles
January 20, 2004.

Ahmad F. Matar
AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700